September 7, 2006

Ms. Jeannette Simons, Tribal Liaison National Park Service Yosemite National Park P.O. Box 577 Yosemite National Park, CA 95389

Dear Ms. Simons:

This is in response to your voice mails dated August 31, 2006, and September 1, 2006, regarding the letter that I sent to Superintendent Tollefson on August 23, 2006, addressing my concerns over the demolition of the Old EI Portal Waste Water Treatment Plant and its impact to the burial grounds located within this site. Since there was no consultation conducted with the lineal descendents of those that are buried in this area, I would like to take this opportunity to present my concerns on this project. I believe the removal of the old structures of the plant will cause significant harm to the burial grounds and the human remains/cultural items that below. I want to preface my discussion by stating I am only speaking as a direct lineal descendent of Captain Sam whose remains lie within the burial ground. I do not speak on behalf any other Paiute families and/or park affiliated tribal organizations.

The impact of this demolition project is my biggest concern simply because the work is being conducted at a known burial site. There are documented remains and cultural items located within this area that are known to your organization as well as the native peoples and their descendents who made Yosemite Valley and the surrounding areas their home many years ago. This ancient site needs to be protected and preserved with dignity and respect; it is, after all, the final resting place of Indian people that includes Paiute remains. The spirituality or the medicine that is contained in this area holds great significance to the descendents and, therefore, should not be disturbed or desecrated.

The decision to exclude this project from the environmental assessment process demonstrates a lack of respect by park service personnel to protect this sacred, ancient site from harm and permanent destruction. In reviewing the Categorical Exclusion (CatEx) document for this project, it was determined that "no potential...environmental impacts, including impacts to cultural landscapes or archeological resources" exist. I am no excavation expert, however, this demolition project is being conducted in an area that has already proven itself to be weak and currently unable to adequately sustain the cultural items including human remains beneath the surface. Cultural items i.e., beads as well as human teeth have surfaced in previous years proving the area is not stable or firm enough to keeps these items where they belong. I suspect that heavy equipment e.g., backhoe will be used to remove the structures. If the ground cannot sustain any cultural item, how will it support heavy equipment? Further, the equipment that will used to remove the concrete structures, etc., must penetrate the ground in order to dig out the embedded structures. I don't understand how your organization seems to think that the teeth of a backhoe will only slightly penetrate the ground. Too, while I realize that there have been "archeological mitigation, monitoring, and exhumation of culturally sensitive human remains and artifacts that have occurred prior to construction in 1962...," this doesn't make it OK to disturb the ground nor approve a CatEx. This statement makes it sound that anything that may have been in the ground prior to 1962 has since been removed, thus, lessening the chances of discovering human remains and/or cultural items. I don't believe this to be true because as long as the ground remains weak, items below the surface will continually shift and eventually surface. This project will have a significant impact not only on the final resting places of Native people but also on an ancient site as well. I am of the opinion that no further action be conducted until a proper environmental assessment is completed.

I would like to see the consultation notes with the park-affiliated tribes on this project to find out if there was a consensus that minimal impact to the burial site would occur during this project. What was their response to the removal of cultural items including the removal of any remains found during this demolition project? Another concern I have is why the NAGPRA action plan only involves the Mariposa Indian Council who claims Miwok affiliation? Why is this non-profit organization allowed to approve

projects of this caliber and ultimately deciding the fate over Paiute remains and cultural items...why not their descendents?

In the event human remains and/or cultural property is found during this demolition project, what is the established protocol including timeframes for repatriation of remains and/or property? Whatever you may find as a result of your demolition project will be sacred and should not end up on a shelf beneath the museum. Any item found should be repatriated to their rightful descendents within specific timeframes.

Thank you for offering to conduct a site visit to this area. If we decide to meet, I feel it is only fair that the other Paiute tribal organizations and/or lineal descendents are invited to this walk-through as well since it would be an opportunity for them to ask their own questions.

Thank you - Kathy Medina